

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN ROBERT DEMOS JR,

Petitioner,

v.

DONALD R HOLBROOK,

Respondent.

CASE NO. 21-cv-0541 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge J. Richard Creatura's Report and Recommendation, Dkt. 2, recommending that the Court (1) deny Petitioner John Demos's Motion for Leave to proceed *in forma pauperis* and his proposed § 2254 habeas petition, Dkt. 1; (2) direct the Clerk to administratively close this case; and (3) deny a Certificate of Appealability.

Demos is the subject of a Bar Order requiring him to pay the filing fee for any claim seeking an extraordinary writ, including those under § 2254. *See Demos v. Stanley*, MC97-0031-JLW (W.D. Wash. Mar. 13, 1997). He did not pay the filing fee, and this appears to be a second or successive habeas petition. Demos did not object to the Report and Recommendation and instead appealed it. Dkts. 3 and 7. The Ninth Circuit dismissed

1 the appeal because a Magistrate Judge's Report and Recommendation is not appealable.
2 Dkt. 8.

3 The Report and Recommendation, Dkt. 2, is ADOPTED. Demos's Motion for
4 Leave to Proceed *in forma pauperis* and his proposed § 2254 habeas petition, Dkt. 1, are
5 DENIED. The Court will not issue a Certificate of Appealability. The clerk shall enter a
6 JUDGMENT and close the case. Any pending motions are denied as moot, and the clerk
7 shall not accept further filings in this matter other than a Notice of Appeal.

8 IT IS SO ORDERED.

9 Dated this 28th day of September, 2021.

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12 BENJAMIN H. SETTLE
13 United States District Judge
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